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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

LINO VALLEJO, JR.,

Plaintiff,

v.

PAUL ST. AMANT dba LAW OFFICES OF  
PAUL ST. AMANT; COUNTY FILING

Defendants.

Case No.: 3:12-cv-00182-JLS-NLSx

**PAUL ST. AMANT dba LAW OFFICES  
OF PAUL ST. AMANT'S ANSWER TO  
PLAINTIFF LINO VALLEJO, JR.'S  
FIRST AMENDED COMPLAINT FOR  
DAMAGES**

***DEMAND FOR JURY TRIAL***

1 Defendant PAUL ST. AMANT dba LAW OFFICES OF PAUL ST. AMANT  
2 answers Plaintiff LINO VALLEJO JR.'S ("Plaintiff") First Amended Complaint for  
3 damages as follows:

4 1. Defendant has no information or belief that any of the allegations in  
5 Plaintiff's complaint are true; therefore, Plaintiff denies all of the allegations in the  
6 Complaint. FURTHER, AS SEPARATE AFFIRMATIVE DEFENSES to each and every  
7 claim for relief of the complaint, Defendant is informed and believes and on such  
8 information and belief alleges as follows:

9 **FIRST AFFIRMATIVE DEFENSE**

10 (Failure to State Facts Sufficient to State a Claim)

11 2. As a first and separate affirmative defense, this answering Defendant is  
12 informed and therefore alleges that Plaintiff's first amended complaint and each claim  
13 for relief contained therein fails to state facts sufficient to state a claim against this  
14 answering Defendant.

15 **SECOND AFFIRMATIVE DEFENSE**

16 (Contributory Negligence)

17 3. As a second and separate affirmative defense, Defendant is informed and  
18 therefore alleges that Plaintiff's negligence contributed to the harm it suffered and is  
19 therefore precluded from requesting for the relief contained in its' first amended  
20 complaint.

21 **THIRD AFFIRMATIVE DEFENSE**

22 (Incorrect or Unenforceable)

23 4. As a third and separate affirmative defense, Defendant is informed and  
24 therefore alleges that Plaintiff's first amended complaint and each claim for relief  
25 contained therein is incorrect and/or unenforceable.

**FOURTH AFFIRMATIVE DEFENSE**

(Assumption of Risk)

5. As a fourth and separate affirmative defense, Defendant is informed and therefore alleges that the answering that if there presently exists or ever existed, any or all of the alleged rights, claims or obligations which Plaintiff by way of its actions, said claims or obligations are unenforceable because Plaintiff's assumed the risk involved in the transaction.

**FIFTH AFFIRMATIVE DEFENSE**

(Estoppel)

6. As a fifth and separate affirmative defense, Defendant alleges that Plaintiff is hereby denied to pursue any cause of action against the Defendant in this action.

**SIXTH AFFIRMATIVE DEFENSE**

(Fraud)

7. As a sixth and separate affirmative defense, Defendant alleges that a third party committed Fraud as part of the transaction that led to the filing of the instant action; therefore, Plaintiff is precluded from asserting any cause of action against Defendant.

**SEVENTH AFFIRMATIVE DEFENSE**

(Contributory Negligence)

8. As a seventh and separate affirmative defense, Defendant alleges that Plaintiff committed contributory negligence and is therefore precluded from collecting any of the damages being requested in the Complaint.

**WHEREFORE**, answering Defendant demand a jury trial and prays for judgment as follows:

1. That Plaintiff take nothing by virtue of the Complaint;
2. That, if Plaintiff is awarded damages, those damages be apportioned to Defendant whose negligence proximately contributed to the incident;

1                   3. For costs of suit incurred herein, and for such other and further relief  
2                   as the Court may deem just and proper.

3  
4                   RESPECTFULLY SUBMITTED,

5 Dated: March 5, 2012

6                   By: \_\_\_\_\_/s/ Paul St. Amant  
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**PROOF OF SERVICE BY MAIL**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I, **Kevin G. Acosta**, am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) and am not a party to the within action; my business address is 1440 N. Harbor Blvd., Ste. 515, Fullerton, CA 92835.

On **March 16, 2012**, I personally served the foregoing document described as:

**PAUL ST. AMANT dba LAW OFFICES OF PAUL ST. AMANT'S ANSWER TO PLAINTIFF MIGUEL VELASQUEZ'S COMPLAINT FOR DAMAGES**

on all parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Patric Alexander Lester  
PATRIC LESTER & ASSOCIATES  
5694 Mission Center Road, Ste. 358  
San Diego, CA 92108  
Tel: (619) 665-3888  
Fax: (314) 241-5777  
[pl@lesterlaw.com](mailto:pl@lesterlaw.com)

*Lead Attorney for Plaintiff LINO VALLEJO JR.*

Scott M. Grace  
LUFTMAN HECK & ASSOCIATES, LLP  
501 W. Broadway, Ste. 800  
San Diego, CA 92101  
Tel: (619) 400-4900  
Fax: (619) 923-3661  
[sgrace@lawlh.com](mailto:sgrace@lawlh.com)

*Attorney to be Noticed*

Executed on **March 16, 2012** at Fullerton, California.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

/s/ Kevin G. Acosta

Kevin G. Acosta